

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

SEPTEMBER 13, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, September 13, 2011 at 3:06 p.m., in Committee Room #2.** The following members were present:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable Michael J. Bond, Vice-Chair
The Honorable Alex Wan
The Honorable C. T. Martin
The Honorable Yolanda Adrean
The Honorable Joyce Sheperd
The Honorable Keisha Lance Bottoms**

Others present at the meeting were: Deputy City Attorney, Eric Richardson, Amber Robinson and Gwen Burns, Law Department; Deputy Chiefs Shawn Jones and E. Renee Propes and Major Keith Meadows, Police Department; Assistant Chief Diane Jones, Department of Corrections; Peter Aman, David Bennett and Katrina Taylor-Parks, Office of the Mayor; media, public and council staff.

Chairman Young called the meeting to order at 3:06 p.m. after declaring a quorum present. He then proceeded with the following order of business:

A. ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD A BRIEFING ON THE ATLANTA PRETRIAL DETENTION CENTER BY PETER AMAN, COO

B. APPROVAL OF MINUTES - APPROVED

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

11-R-1328 (1) Claim of **Rosehall Investments, LLC (DPRCA/04)**, for property damages alleged to have been sustained from a tree that fell on a house on September 24, 2010 at 1554 Pineview Terrace, SW. **\$20,000.00**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-1329 (2) Claim of **AAA Auto Club South, as subrogee of Dawn Pergakes (DWM/07)**, for vehicular damages alleged to have been sustained from an automobile accident on January 20, 2011 at 1411 May Avenue and Dorr Avenue. **\$3,170.41**
- 11-R-1330 (3) Claim of **Tunicia Walker (DWM/NA)**, for vehicular damages alleged to have been sustained from an automobile accident on July 27, 2011 at 805 Selig Drive. **\$838.71**
- 11-R-1331 (4) Claim of **Jeannette Smith (DPW/05)**, for vehicular damages alleged to have been sustained as a result of driving over a pothole on March 10, 2011 at University Avenue and Coleman Street. **\$509.82**

Claims with unfavorable recommendations:

- 11-R-1332 (5) Claim of **GEICO General Insurance Company, as subrogee of Andrea Sanders (NA/NA)**, for damages alleged to have been sustained for an unspecified event on May 14, 2011 at an unspecified location.
- 11-R-1333 (6) Claim of **Jeannette Smith (NA/NA)**, for damages alleged to have been sustained as a result of driving over a damaged manhole on April 15, 2011 at Stanton Road at Headland Drive.
- 11-R-1334 (7) Claim of **Maria M. Jimerson, through her attorney, L. Chris Stewart c/o Morgan and Morgan (NA/10)**, for bodily injury alleged to have been sustained from slipping and falling on an wet floor on April 12, 2010 at 301 Peyton Road.
- 11-R-1335 (8) Claim of **Shari Hall (AFR/06)**, for damages alleged to have been sustained as a result of an emergency response incident on April 3, 2011 at 553 Boulevard Place, NE.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-1336 (9) Claim of **Brian J. Fankhauser, through his attorney, Jeffrey S. Kowalski, Montlick & Associates, P. C. (APD/02)**, for damages alleged to have been sustained from an automobile accident on April 11, 2009 at I-20 west bound and Langhorn Street, SW.
- 11-R-1337 (10) Claim of **Virginia One Development, LLC, through its attorneys, Chamberlain, Hrdlicka, White, Williams and Martin (DOA/NA)**, for damages alleged to have been sustained when the City refused to acquire properties that were subject to the City's Noise Compliance Program on an unspecified date at 3001 Roosevelt Highway and 4775 Spring Street, College Park, Georgia.
- 11-R-1338 (11) Claim of **David Brooks, as administrator of the estate of Annie Brooks, through his attorney, John Michael Brown, P.C. (DOC/02)**, for damages alleged to have been sustained when the city failed to administer medicine necessary to treat a condition on June 29, 2009 at 254 Peachtree Street.
- 11-R-1339 (12) Claim of **Ella Johnson, through her attorney, Ella Hughes (DPW/03)**, for damages alleged to have been sustained as a result of a vehicular accident on December 28, 2010 at Pryor Street at Ralph David Abernathy Boulevard.
- 11-R-1340 (13) Claim of **Ella Johnson, through her attorney, Ella Hughes(DPW/03)**, for damages alleged to have been sustained as a result of a vehicular accident on December 28, 2010 at Pryor Street at Ralph David Abernathy Boulevard.
- 11-R-1341 (14) Claim of **Shateeshia Cain (DPW/04)**, for vehicular damages alleged to have been sustained after striking a construction sign that was left in the road on June 8, 2011 at Murphy Avenue and Tift Street.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-1342 (15) Claim of **State Farm Insurance Company, as subrogee of Warren K. Cordell (DPW/08)**, for damages alleged to have been sustained as the result of a vehicle accident on December 16, 2010 at Ardmore Circle.
- 11-R-1343 (16) Claim of **Antwann D. Brown (DWM/03)**, for vehicular damages alleged to have been sustained from striking a storm sewer catch basin on May 3, 2011 at Larkin and Roach Streets.
- 11-R-1344 (17) Claim of **W. Rand McMillan (DWM/05)**, for property damages alleged to have been sustained from a sewage backup on May 12, 2010 at 153 Eleanor Street, SE.
- 11-R-1345 (18) Claim of **Rhonda Levitt (DWM/11)**, for damages alleged to have been sustained as a result of a sanitary sewer backup on April 27, 2011 at 3000 Continental Colony Parkway, SW, Apartment F-150. **(1 ABSTENTION) LANCE BOTTOMS (Councilmember Wan made a motion to approve Items C1-C18)**

FAVORABLE

REGULAR

D. COMMUNICATION

- 11-C-1302 (1) A Communication by Councilmembers Joyce M. Sheperd, District 12; Keisha Lance Bottoms, District 11; C. T. Martin, District 10; Felicia A. Moore, District 9 and H. Lamar Willis, Post 3 At-Large appointing **Ms. Renee Bailey** to serve as a member of the Alcohol Technical Advisory Group II. This appointment scheduled to begin on the date of Council confirmation.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

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E. ORDINANCES FOR SECOND READING

- 11-O-1261 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2012 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations, in the amount of \$2,938,599.00, for Grant Funds, from the White House Office of National Drug Control Policy ("ONDCP"), for the purpose of continuing the Atlanta High Intensity Drug Trafficking Area Task Force ("Atlanta HIDTA"); to disrupt and dismantle drug trafficking organizations; and for other purposes.

(Councilmember Martin made a motion to approve.)

FAVORABLE

- 11-O-1355 (2) An Ordinance by Councilmembers Alex Wan and Carla Smith to waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances of the City of Atlanta, Georgia so as to modify the hours of operation on Monday, October 10, 2011 only , for all licensed establishments authorized to sell alcoholic beverages for on premises consumption; and for other purposes.

(Councilmember Wan made a motion to approve.)

FAVORABLE (1 NAY) MARTIN

F. RESOLUTIONS

- 11-R-1347 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Kerry Boozer v. Joseph Sarria, Nicholas Chimino and the City of Atlanta, Civil Action File Number 1:09-CV-2102-AJB, in the United States District Court for the Northern District of Georgia, Atlanta Division, in the total gross amount of \$30,000.00, to be distributed to Plaintiff's Counsel subject to a lien by the Division of Child Support Services; authorizing payment of \$30,000.00 to be charged to and paid from Fund, Center Number, Account and Functional Activity Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

(Councilmember Bond made a motion to approve.)

FAVORABLE

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RESOLUTIONS (CONT'D)

- 11-R-1348 (2) An **Amended** Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Jo D. Wilson v. City of Atlanta, Civil Action File Number 2010EV009879G, pending in Fulton County State Court, in the amount of \$405,000.00; authorizing said payment to be charged to and paid from Fund, Center Number, Account and Functional Activity Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Wan made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 11-R-1349 (3) An **Amended** Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Martha Lynn Grassie v. City of Atlanta, Civil Action File Number 2010EV009609G, pending in Fulton County State Court, in the amount of \$12,000.00; authorizing said payment to be charged to and paid from Fund, Center Number, Account and Functional Activity Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Wan made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 11-R-1350 (4) An **Amended** Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Suzy Moran and Vikki Vaden v. City of Atlanta, Civil Action File Number 10EV010130J, pending in Fulton County State Court, in the amount of \$15,000.00; authorizing said payment to be charged to and paid from Fund, Center Number, Account and Functional Activity Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Bond made a motion to approve as amended.)

FAVORABLE AS AMENDED

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RESOLUTIONS (CONT'D)

- 11-R-1352 (5) A Resolution by Councilmember Ivory L. Young, Jr. authorizing the Mayor or his designee to enter into a Cooperative Revenue Sharing Agreement with Open Portal Solutions (OPS), utilizing the State of Georgia Contract PSOTOAIR100106 for the purpose of sharing in the revenue generated by OPS as a result of such contract, wherein the State has agreed to provide OPS with vehicle accident or collision reports prepared by law enforcement agencies to be sold online, such revenue to be payable to the City of Atlanta at the rate of \$5.00 per Atlanta Police Department accident report sold; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

G. PAPERS HELD IN COMMITTEE

- 10-R-0137 (1) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**
- 10-O-0397 (2) An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Public Hearing held 4/27/10) (Held 4/27/10 for further evaluation and review.)**
- 10-O-0399 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-0728 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts holding permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review)**
- 10-R-0855 (5) Claim of **Ron Tusso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**
- 10-O-1173 (6) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review)**
- 10-O-1342 (7) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-R-1343 (8) A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**
- 10-R-1813 (9) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes. **(Held 10/12/10, at the request of the author.)**
- 10-O-1880 (10) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author.)**
- 10-O-2228 (11) An Ordinance by Councilmember H. Lamar Willis as amended by Public Safety and Legal Administration Committee amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. **(Held 12/14/10 for further review by the Law Department.) (Amended and held 3/1/11)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 11-R-0535 (12) A Resolution by Councilmember C. T. Martin authorizing the settlement and payment of all claims for compensation in an amount to be determined, to the following City of Atlanta Parking Enforcement Officers who allege that the City wrongfully terminated their employment by failing to follow its ordinances and procedures governing reduction in force (RIF); Lamar J. Singleton, Bobby Asbury, Tina Nealous, Kareema Aziz, Wayne Norris, Shoronda Williams and Dadriko Lindsey; to authorize the Chief Financial Officer to distribute the settlement amount; and for other purposes. **(Held 3/29/11 for further discussions)**
- 11-R-0772 (13) A Resolution by Councilmembers Michael J. Bond and Ivory Lee Young, Jr. to amend the Contract with U. K. - LaSalle LLC, (an entity affiliated with General Growth Properties, Inc.) for the Administration and Management of the Public Vending Program, so as to grant a first right of refusal to vendors who currently hold vending permits or who formerly held vending permits as of November 21, 2001, for vending locations around Turner Field; and for other purposes. **(Held 5/10/11 for further discussions)**
- 11-R-0929 (14) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to exercise renewal options with Wrecker Service Vendors listed on Contract FC-6008000003 ("Contract"), for Wrecker Services for vehicles under two (2) tons, on behalf of the Department of Police, all revenues generated under this contract shall be deposited as described in this resolution; and for other purposes. **(Referred back from Full Council 7/18/11)**
(Held 7/26/11 for further discussions)
- 11-O-0946 (15) An Ordinance by Councilmember Ivory L. Young, Jr. to amend the Code of Ordinances of the City of Atlanta, Georgia by amending Section 162-61(a) so as to extend temporarily the maximum allowable age of taxicabs; to waive conflicting ordinances; and for other purposes. **(Held 6/14/11 for further discussions)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 11-O-0996 (16) An Ordinance by Councilmembers Felicia A. Moore, Natalyn Archibong, Joyce Sheperd, Michael J. Bond, Yolanda Adrean, Kwanza Hall and Alex Wan to amend Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia, so as to decrease the number of Municipal Court Judges from ten (10) to eight (8); to waive conflicting ordinances and code sections; and for other purposes.
(Referred back by Full Council 7/5/11) (Held 7/11/11 for further review)

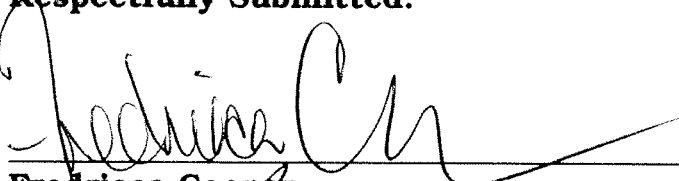
H. FOLLOW-UP ITEM

1. Councilmember Young requested that David Bennett make a report to the committee related to the Public Property Vending contract at each committee meeting.


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There being no further business to come before the Committee, the meeting was adjourn at 4:55 p.m.

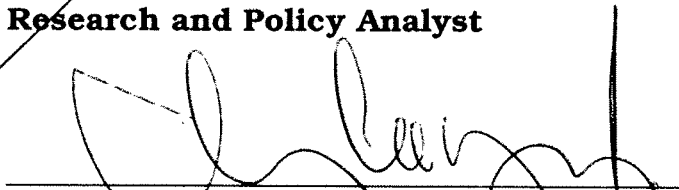
Respectfully Submitted:



Fredrica Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



The Honorable Ivory D. Young, Jr., Chair
Public Safety and Legal Administration Committee